IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23802 of 2004

Between:

Smt. B. Sujatha, Hindu, W/o Prasad,
R/o K. Nagalapuram Village, Gudur Mandal, Kurnool District.

... PETITIONER

AND

1 The Joint Collector, Kurnool District, Kurnool.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue Officer, Gudur Mandal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction or particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in suspending the petitioner's authorisation for the Fair Price Shop dealer of Nagalapuram Village, Gudur Mandal, Kurnool District by issuing impugned suspension order in Rc.B.322/2004 dt. 22-7-2004 on flimsy and untenable grounds only yielding to the political pressures and further action of the 1st respondent in not considering the appeal filed by the petitioner, as illegal, arbitrary and violative of Article 14, 19 and 21 of Constitution of India and consequently set aside the above stated impugned proceedings of the 2nd respondent within a further directions to the respondents to continue the petitioner as Fair Price shop dealer.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

-

-

O R D E R:

The authorization of the petitioner was suspended, through order dated 22.07.2004, by the second respondent, on certain allegations. The petitioner preferred an appeal before the first respondent, together with an application for stay. It is stated that no orders have been passed by the first respondent, either in the appeal or in the stay petition, so far. The petitioner seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The second respondent suspended the authorization of the petitioner way back on 22.07.2004. The allegation against the petitioner is that she committed irregularities in the distribution of rice meant for drought relief schemes. The petitioner preferred an appeal before the first respondent, and it is alleged that no orders have been passed so far.

Normally, this Court does not interfere with the orders of suspension, particularly when the appeal preferred by the aggrieved party is pending. However, a dealer cannot be made to wait indefinitely for the interim orders. The very concept of passing of interim orders is to ensure that the interests of the parties are protected pending adjudication of the proceedings. If months together elapsed, without the appellate authority passing any interim orders, in a way it can be said that the very purpose of preferring appeal is defeated.

In, **Joint Collector, Kurnool v. A.Neelima**, a Division Bench of this Court held that the maximum period, for which the authorization of a dealer can be kept under suspension, is 90 days. It was also directed that in case the proceedings are not concluded against a dealer within that time, the suspension deserves to be revoked.

Following the same, the writ petition is allowed, and the order dated 22.07.2004 passed by the second respondent against the petitioner is set aside. It is, however, left open to the second respondent to pass appropriate orders in the enquiry. There shall be no order as to costs.

21st December, 2004

pan

To

1 The Joint Collector, Kurnool District, Kurnool.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue Officer, Gudur Mandal, Kurnool District.

4 Two C.Cs. to the Government Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies